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July 30, 2020

The Honorable Edward Korman
United States Courthouse
Room 918
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *In Re: Holocaust Victim Assets Litigation;*
Case No. CV-96-4849

Dear Judge Korman:

We represent the Swiss Bankers Association, a Releasee in the above-captioned case, acting on behalf of its members (also Releasees), including the Settling Defendants, for the purpose of effecting Section 7.6 of the Settlement Agreement¹ by facilitating the transfer of Acknowledgement Forms and related information from the Special Masters to the Settling Defendants and Other Swiss Banks and complying with the Confidentiality Commitment dated April 30, 2018.

Pursuant to Section 2(a) of the Confidentiality Commitment, the Swiss Bankers Association must enter into a Confidentiality Agreement with each Settling Defendant or Other Swiss Bank as a condition of disclosing the Acknowledgement Forms and related information to the Settling Defendant or Other Swiss Bank. The Swiss Bankers Association has agreed with the Special Master that each executed Confidentiality Agreement will be sent to the court to be maintained in the case file.

The Swiss Bankers Association currently has entered into Confidentiality Agreements with two Settling Defendants and one Other Swiss Bank. Attached are copies of those Confidentiality Agreements. Additional Confidentiality Agreements will be submitted to the court if and when entered into by other Other Swiss Banks.

¹ Certain capitalized terms, where defined in the Settlement Agreement, have the meaning used therein.

Mayer Brown is a global services provider comprising an association of legal practices that are separate entities including Mayer Brown LLP (Illinois, USA), Mayer Brown International LLP (England), Mayer Brown (a Hong Kong partnership) and Tauil & Chequer Advogados (a Brazilian partnership).

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If you have any questions with respect to this matters or the enclosed materials, please do not hesitate to contact me.

Respectfully,



M.B.

Marc R. Cohen

cc: Shari C. Reig, Deputy Special Master

CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement, effective as of 17th May 2019, is made between the Swiss Bankers Association (the "SBA") and Bank Julius Baer & Co. Ltd. (the "Bank").

WHEREAS, the SBA has received Acknowledgment Form Discs and a Database of Payments for Awarded Accounts pursuant to the Memorandum and Order Regarding the Confidentiality of the Acknowledgment Forms Provided to the Swiss Bankers Association in Accordance with the Settlement Agreement in *In re Holocaust Victim Assets Litigation* dated April 23, 2018 (the "Court Order");

WHEREAS, the Acknowledgment Form Discs and Database of Payments for Awarded Accounts may contain confidential information regarding the Settling Plaintiffs, and the SBA has agreed that it shall take appropriate steps to ensure that the Bank maintains the confidentiality of all such information in accordance with, and as required by, the laws of Switzerland and the United States;

WHEREAS, the Court Order provides that the Bank shall be bound by the terms of the attached Confidentiality Commitment;

WHEREAS, the Court Order also provides that the SBA may disclose Acknowledgment Forms from the Acknowledgment Form Discs to the Bank that relate to accounts held by the Bank only if the Bank agrees to maintain the confidentiality of all such information in accordance with, and as required by, the laws of Switzerland and the United States;

NOW THEREFORE; the SBA and Bank hereby agree as follows:

1. Unless otherwise defined herein, capitalized terms have the meaning set forth in the Settlement Agreement dated January 26, 1999, between the Settling Defendants and Settling Plaintiffs (the "Settlement Agreement") and Court Order, copies of which are attached hereto.
2. "Confidential Information" means all information that is not publicly available, whatever its nature or form, that will be obtained as a result of the SBA's receipt and possession of the Acknowledgment Form Discs and Database of Payments for Awarded Accounts.
3. The Bank represents and warrants that it will not disclose any Confidential Information and will maintain the confidentiality of any Confidential Information in accordance with the laws of Switzerland and the United States.
4. Notwithstanding paragraph 3 or anything else herein, the Bank may use the Confidential Information for internal recordkeeping purposes and submit and/or disclose the Confidential Information in a defensive manner in any potential dispute with the Settling Plaintiffs and/or any third parties relating to Claims, as defined in the Settlement Agreement.

CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement, effective as of 21 May 2019, is made between the Swiss Bankers Association (the "SBA") and [UBS Switzerland AG] (the "Bank").

WHEREAS, the SBA has received Acknowledgment Form Discs and a Database of Payments for Awarded Accounts pursuant to the Memorandum and Order Regarding the Confidentiality of the Acknowledgment Forms Provided to the Swiss Bankers Association in Accordance with the Settlement Agreement in *In re Holocaust Victim Assets Litigation* dated April 23, 2018 (the "Court Order");

WHEREAS, the Acknowledgment Form Discs and Database of Payments for Awarded Accounts may contain confidential information regarding the Settling Plaintiffs, and the SBA has agreed that it shall take appropriate steps to ensure that the Bank maintains the confidentiality of all such information in accordance with, and as required by, the laws of Switzerland and the United States;

WHEREAS, the Court Order provides that the Bank shall be bound by the terms of the attached Confidentiality Commitment;

WHEREAS, the Court Order also provides that the SBA may disclose Acknowledgment Forms from the Acknowledgment Form Discs to the Bank that relate to accounts held by the Bank only if the Bank agrees to maintain the confidentiality of all such information in accordance with, and as required by, the laws of Switzerland and the United States;

NOW THEREFORE, the SBA and Bank hereby agree as follows:

1. Unless otherwise defined herein, capitalized terms have the meaning set forth in the Settlement Agreement dated January 26, 1999, between the Settling Defendants and Settling Plaintiffs (the "Settlement Agreement") and Court Order, copies of which are attached hereto.
2. "Confidential Information" means all information that is not publicly available, whatever its nature or form, that will be obtained as a result of the SBA's receipt and possession of the Acknowledgment Form Discs and Database of Payments for Awarded Accounts.
3. The Bank represents and warrants that it will not disclose any Confidential Information and will maintain the confidentiality of any Confidential Information in accordance with the laws of Switzerland and the United States.
4. Notwithstanding paragraph 3 or anything else herein, the Bank may use the Confidential Information for internal recordkeeping purposes and submit and/or disclose the Confidential Information in a defensive manner in any potential dispute with the Settling Plaintiffs and/or any third parties relating to Claims, as defined in the Settlement Agreement.

IN WITNESS WHEREOF, the SBA and Bank have executed this Confidentiality Agreement, effective as of the date first set forth above.

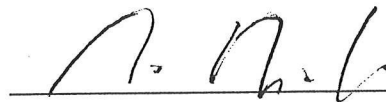
SWISS BANKERS ASSOCIATION (SwissBanking)

By:



Signature

Name: Rolf Brägger *Legal & Compliance and Regulatory*
Title: SwissBanking
Address: Schweiz. Bankiervereinigung
Postfach 4182
CH-4002 Basel

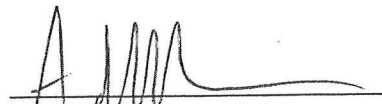


Signature

Name: Andreas Bärtschi *Head of Financial Market Law*
Title: _____
Address: SwissBanking
Schweiz. Bankiervereinigung
Postfach 4182
CH-4002 Basel

[BANK NAME] UBS Switzerland AG

By:

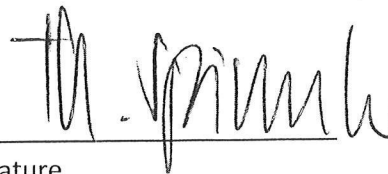


Signature

Name: Alexandra Hornstein
Title: Director / Head NALO Support
Address: UBS Switzerland AG
Gartenstrasse 9
4052 Basel

[BANK NAME] UBS Switzerland AG

By:

A handwritten signature in black ink, appearing to read 'Theo Spinnler', is written over a horizontal line.

Signature

Name: Theo Spinnler

Title: Director / Head NALO Special Tasks

Address: UBS Switzerland AG

Gartenstrasse 9

4052 Basel

CONFIDENTIALITY COMMITMENT

This Confidentiality Commitment, effective as of 30 April 2018, is made by the Swiss Bankers Association (the "SBA"), a Releasee as defined in the Settlement Agreement dated January 26, 1999, between the Settling Defendants and Settling Plaintiffs (the "Settlement Agreement"), for the benefit of the Settling Plaintiffs.

WHEREAS, Section 7.6 of the Settlement Agreement provides that copies of all Proof of Claim Forms (also known as "Acknowledgment Forms") shall be provided to the Settling Defendants;

WHEREAS, pursuant to the Memorandum and Order Regarding the Confidentiality of the Acknowledgment Forms Provided to the Swiss Bankers Association in Accordance with the Settlement Agreement in *In re Holocaust Victim Assets Litigation* (the "Court Order"), Burt Neuborne, lead counsel for the Settling Plaintiffs has endorsed, and the United States District Court for the Eastern District of New York has approved, the SBA's receipt of, on behalf of the Settling Defendants, the Acknowledgment Form Discs and Database of Payments for Awarded Accounts;

WHEREAS, the Acknowledgment Form Discs and Database of Payments for Awarded Accounts may contain confidential information regarding the Settling Plaintiffs, and the SBA has agreed that it shall take appropriate steps to ensure that the SBA, the Settling Defendants, and Other Swiss Banks maintain the confidentiality of all such information in accordance with, and as required by, the laws of Switzerland and the United States;

WHEREAS, the SBA thereafter may provide to each Settling Defendant or Other Swiss Bank (as defined in the Settlement Agreement) certain Acknowledgment Forms that relate to Settling Plaintiffs who were customers of that bank; and

NOW THEREFORE; the SBA hereby agrees as follows:

1. DEFINITIONS

- a. Unless otherwise defined herein, capitalized terms have the meaning set forth in the Settlement Agreement and Court Order, copies of which are attached hereto.
- b. "Confidential Information" means all information that is not publicly available, whatever its nature or form, that will be obtained as a result of the SBA's receipt and possession of the Acknowledgment Form Discs and Database of Payments for Awarded Accounts.

2. CONFIDENTIALITY

- a. The SBA represents and warrants that it will not disclose any Confidential Information, except to Settling Defendants and Other Swiss Banks pursuant to the Order, and then only if the SBA has received written confirmation from the recipient that it will maintain the

CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement, effective as of ____ May 2019, is made between the Swiss Bankers Association (the "SBA") and [~~CREDIT-SUISSE AG + CREDIT-SUISSE~~ (SCHWEIZ) AG] (the "Bank").

WHEREAS, the SBA has received Acknowledgment Form Discs and a Database of Payments for Awarded Accounts pursuant to the Memorandum and Order Regarding the Confidentiality of the Acknowledgment Forms Provided to the Swiss Bankers Association in Accordance with the Settlement Agreement in *In re Holocaust Victim Assets Litigation* dated April 23, 2018 (the "Court Order");

WHEREAS, the Acknowledgment Form Discs and Database of Payments for Awarded Accounts may contain confidential information regarding the Settling Plaintiffs, and the SBA has agreed that it shall take appropriate steps to ensure that the Bank maintains the confidentiality of all such information in accordance with, and as required by, the laws of Switzerland and the United States;

WHEREAS, the Court Order provides that the Bank shall be bound by the terms of the attached Confidentiality Commitment;

WHEREAS, the Court Order also provides that the SBA may disclose Acknowledgment Forms from the Acknowledgment Form Discs to the Bank that relate to accounts held by the Bank only if the Bank agrees to maintain the confidentiality of all such information in accordance with, and as required by, the laws of Switzerland and the United States;


NOW THEREFORE; the SBA and Bank hereby agree as follows:

1. Unless otherwise defined herein, capitalized terms have the meaning set forth in the Settlement Agreement dated January 26, 1999, between the Settling Defendants and Settling Plaintiffs (the "Settlement Agreement") and Court Order, copies of which are attached hereto.
2. "Confidential Information" means all information that is not publicly available, whatever its nature or form, that will be obtained as a result of the SBA's receipt and possession of the Acknowledgment Form Discs and Database of Payments for Awarded Accounts.
3. The Bank represents and warrants that it will not disclose any Confidential Information and will maintain the confidentiality of any Confidential Information in accordance with the laws of Switzerland and the United States.
4. Notwithstanding paragraph 3 or anything else herein, the Bank may use the Confidential Information for internal recordkeeping purposes and submit and/or disclose the Confidential Information in a defensive manner in any potential dispute with the Settling Plaintiffs and/or any third parties relating to Claims, as defined in the Settlement Agreement.

IN WITNESS WHEREOF, the SBA has executed this Confidentiality Commitment, effective as of the date first set forth above; and

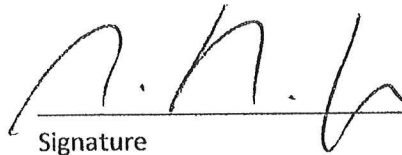
SWISS BANKERS ASSOCIATION (SwissBanking)

By:



Signature


Name: Rolf Brüggemann
Title: Head of Tax, Legal & Compliance
and Regulatory, Member of the Executive
Board of the Swiss Bankers Ass. (SBA)
Address: Aeschenplatz 7
CH-4052 Basel



Signature

Name: Andreas Barfuss
Title: Head of Financial Market Law of
the Swiss Bankers Ass. (SBA)
Address: Aeschenplatz 7
CH-4052 Basel

Burt Neuborne, lead counsel for the Settling Plaintiffs, has acknowledged such execution.


Signature

Burt Neuborne
Title: Cof. Counsel
Address: 40 West 7th St.
NY, NY 10012

22834

[BANK NAME]

CREDIT-SUISSE (SCHWEIZ) AG
+ CREDIT-SUISSE AG

By:



Signature

Name: KATHRIN HEIMTitle: DIRECTOR / FWOIAddress: POSTFACH8070 ZÜRICH